

REMARKS

Claims 22-35 are pending in the application.

In paragraph 3 on page 7 of the Office Action, claims 22-27, 33 and 35 were rejected under 35 U.S.C. § 102(e) as being anticipated by Terreault.

In paragraph 4 on page 7 of the Office Action, claims 28-32 and 34 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Terreault in view of Pandya.

Applicant respectfully traverses the rejections.

Independent claim 22 sets forth receiving, at a monitor and control unit, status from a head-end relating to operations of head-end elements providing content to terminals within a coverage area of a head-end, receiving, at the monitor and control unit, identity, type and capability of a plurality of remote devices capable of responding to status of elements of the head-end from the monitor and control unit, processing the status received from the monitor and control unit in conformance with the indicated capabilities of remote devices designated by the monitor and control unit to receive the status, forwarding the processed status from the monitor and control unit to a communication server and sending the processed status received by the communication server to the designated remote devices to present the status to off-site personnel for troubleshooting the operations of the elements of the head-end.

In contrast, Terreault merely describes a system that includes a control computer for monitoring reverse paths to detect and analyze ingress signals. A control computer may act automatically to send pager and email messages to staff to instruct such staff to execute a diagnostic scenario. Further, control computer is coupled to a network management system that may be used to provide a higher level of network operation.

However, Terreault fails to disclose, teach or suggest receiving identity, type and capability of a plurality of remote devices capable of responding to status of elements of the head-end. Terreault states that control computer may act automatically to send pager and email messages to staff to instruct such staff to execute a diagnostic scenario. However, Terreault fails to mention that the computer has any knowledge associated with the capability of a plurality of remote devices capable of responding to status of elements of the head-end. While Terreault discloses pagers and email of staff, Terreault does not disclose that such devices have any capability to respond to status of elements of the head-end. Rather, such devices only provide messaging, not any ability to respond to status of elements of the head-end.

Terreault also fails to disclose, teach or suggest processing the status in conformance with the indicated capabilities of remote devices. The Office Action states that Terreault discloses that the computer is able to communicate, through network management system, with multiple remote devices. However, Terreault does not in fact suggest that the computer is able to communicate, through network management system, with multiple remote devices.

Rather, Terreault shows that the network management system is only in communication with the computer. Further, Terreault does not mention that the network management system has the ability to communicate with remote devices.

Terreault also fails to disclose, teach or suggest sending the processed status to the designated remote devices. Instead, Terreault merely discloses that the computer may send messages to staff via emails or pagers. Terreault does not even mention sending processed status to remote devices.

Thus, Terreault fails to disclose, teach or suggest the invention as defined in independent claim 22.

Pandya fails to overcome the deficiencies of Terreault. Pandya is merely cited as monitoring status of buffers for encoding data, multiplexing transport streams and bit rates for a plurality of data being provided at the head-end. However, Pandya fails to disclose, teach or suggest receiving identity, type and capability of a plurality of remote devices capable of responding to status of elements of the head-end. Pandya merely mentions communicating with a control module through a layered communications protocol stack.

Pandya also fails to disclose, teach or suggest processing the status in conformance with the indicated capabilities of remote devices designated by the monitor and control unit to receive such status. Again, Pandya fails to even mention the capabilities of remote devices. Thus, Pandya does not suggest processing the status in conformance with the indicated capabilities of remote devices.

Pandya further fails to disclose, teach or suggest sending the processed status to the designated remote devices to present the status to off-site personnel for troubleshooting the operations of the elements of the head-end. Pandya is not even concerned with sending status to remote devices.

Thus, Terreault and Pandya, alone or in combination, fail to disclose, teach or suggest the invention as defined in independent claim 22, as amended.

Dependent claims 23-35 are also patentable over the references, because they incorporate all of the limitations of the corresponding independent claim 22. Further dependent claims 23-35 recite additional novel elements and limitations. Applicant reserves the right to argue independently the patentability of these additional novel aspects. Therefore, Applicant respectfully submits that dependent claims 23-35 are patentable over the cited references.

On the basis of the above amendments and remarks, it is respectfully submitted that the claims are in immediate condition for allowance. Accordingly, reconsideration of this application and its allowance are requested.

If a telephone conference would be helpful in resolving any issues concerning this communication, please contact Attorney for Applicant, David W. Lynch, at 865-380-5976. If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 13-2725 for any additional fee required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

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